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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MICHAEL E. MARTIN,
Defendant.

CASE NO. MJ 12-5165

**COMPLAINT FOR VIOLATION
Title 18, United States Code,
Section 115**

BEFORE The Honorable J. Richard Creatura, United States Magistrate Judge, Tacoma Washington.

COUNT 1

(Threats to Kill Assault Federal Law Enforcement Officer)

SEPTEMBER, 2012.
During July 2011 within the Western District of Washington and elsewhere.

Michael E. Martin did knowingly threaten to assault a Federal law enforcement officer whose killing would be a crime under Title 18, United States Code, Section 1114, with intent to impede, intimidate, and interfere with the Federal law enforcement officer's while engaged in the performance of the officer's official duties, and with intent to retaliate against such law enforcement officer on account of the performance of official duties.

All in violation of Title 18, United States Code, Section 115(a)(1)(B) and 115((b)(4)).

1 The undersigned complainant, Gary W. France, being duly sworn, further deposes
2 and states as follows:

3 1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI)
4 assigned to the Seattle Division, Tacoma Resident Agency. I have been an FBI Special
5 Agent since July 2002. Before becoming an FBI agent, I practiced accounting as a C.P.A.
6 in Washington State. After entering on duty with the FBI, I have been continuously
7 employed as a Special Agent investigating a wide variety of criminal violations to include
8 violent crimes related to threats and crimes to assault, kidnap, and murder.

9 2. The information contained in this Complaint is based upon my
10 investigation, my training and experience, and information related to me by other law
11 enforcement agents and officers. Based upon the investigation so far, I believe there is
12 probable cause to believe MICHAEL E. MARTIN has violated United States Code, Title
13 18, Section 115 - Influencing, impeding, or retaliating against a Federal official by
14 threatening or injuring a family member, (a)(1)(B) threatens to assault or murder a Federal
15 law enforcement officer with intent to impede, intimidate, and interfere with such law
16 enforcement officer while engaged in the performance her official duties, and with intent
17 to retaliate against such law enforcement officer on account of the performance of her
18 official duties. A federal law enforcement officer is defined as "any officer, agent, or
19 employee of the United States authorized by law or by a Government agency to engage in
20 or supervise the prevention, detection, investigation, or prosecution of any violation of
21 Federal criminal law." 18 U.S.C. §115(c)(1).

22 3. Based on the investigation so far, I believe these violations have occurred in
23 the Western District of Washington. Because this Complaint is made for the limited
24 purpose of establishing probable cause for the crime of Threats to Kill Federal Law
25 Enforcement Officer, I am not including each and every fact learned by me and other
26 agents and officers during the investigation.

1 SUMMARY OF FACTS ESTABLISHING PROBABLE CAUSE

2 4. Michael E. Martin was a member of the United States Army for
 3 approximately 12 years until he was discharged on June 15, 2012 with a character of
 4 service of "Under Other Than Honorable Discharge." Martin was then permanently
 5 barred from the Joint Base Lewis-McChord (JBLM). On June 28, 2012, Martin was
 6 apprehended on JBLM for suspicion of trespassing. Martin has a Facebook page and
 7 shortly following his apprehension, on approximately June 28 or 29, 2012, the following
 8 posts were on his Facebook page: "I just wanna give a big FFFUCK YOUEUUU!!! To Fort
 9 Lewis! Thanks 4 arresting me 4 going 2 college tonite, that was awesome!! 1st yall put
 10 me in jail 4 takin care of mommy when daddy died, now u arrest me 4 goin 2 skool?!?!

11 Whats next, r yall gonna take me to court 4 eating breakfast? Maybe take me in 4 goin 2
 12 tha bathroom?!? FUCK YOU!!! Keep this up & im gonna put my bomb-makin skillz 2
 13 work!!! Think im fuckin playin." I believe that Martin composed these threatening
 14 statements and placed them on his Facebook page. I am not aware of any other person
 15 who has access to Martin's Facebook page. Based on this investigation, I have learned
 16 that Martin resides alone in an apartment in Tumwater, Washington.

17 5. On June 29, 2012, an email was sent by Michael E. Martin using email
 18 address mikemartin80@gmail.com to K.C., an administrative specialist at Stone
 19 Education Center, JBLM. In this email, Martin discusses various issues he has with the
 20 military and explains his Facebook posting regarding bomb making. Attached to the
 21 June 29, 2012, email was a photograph of Martin wearing sunglasses and flipping both of
 22 his middle fingers toward the camera.

23 6. On July 5, 2012, Michael E. Martin was contacted at his residence by
 24 members of the FBI Joint Terrorism Task Force, and local police officers, regarding the
 25 June 28, 2012, Facebook posting. Martin declined to allow the FBI and local police to
 26 enter his apartment. Martin advised he had no weapons, bombs or explosive devices and
 27 is completely avoiding any contact with JBLM. Martin acknowledged that he made the
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1 statements on his Facebook page, and claimed that his reference to "bomb-makin skillz"
2 was in reaction to being pulled out of class the previous week and subsequently arrested
3 for trespassing on JBLM. Martin advised he had no intention of bombing the JBLM or
4 causing physical harm to others.

5 7. In September 2012, Michael E. Martin submitted a report to the JAG Office
6 claiming that his ex-girlfriend, A.E.P., had engaged in acts of harassment, assault, and
7 perjury. A.E.P. is employed by the United States Army with the rank of E-4 Specialist
8 (SPC). During 2011, Martin and A.E.P. were in a dating relationship. When A.E.P.
9 made attempts to end the relationship, Martin was abusive, harassing, and threatening
10 towards A.E.P.

11 8. In February 2012, a summary court martial was held as to several violations
12 by Martin. He was charged with the following violations under Army Regulation
13 AR635200, Chapter 14-12(c):

14 Charge I: Article 86.

15 Specification 1: Unauthorized absence from unit from 28 Aug 10 to 6 Sep 10.

16 Specification 2: Unauthorized absence from unit from 1 Nov 11 to 2 Nov 11.

17 Charge II: Article 92.

18 Specification 1: On or about 7 November 2011 willfully disobeyed a lawful order
19 from First Sergeant Anthony Liles to "not leave the company orderly room without
20 the permission of either Captain Matthew T. Ford or First Sergeant Anthony
21 Liles," or words to that effect.

22 Specification 2: On or about 8 November 2011 willfully disobeyed a lawful order
23 from First Sergeant Anthony Liles to "not leave the company orderly room without
24 the permission of either Captain Matthew T. Ford or First Sergeant Anthony
25 Liles," or words to that effect.

26 Charge III: Article 107

1 On or about 22 September 2011, with intent to deceive, make to Captain Matthew
2 T. Ford on official statement, which was totally false, and was then known by the
3 accused to be so false.

4 Martin was found to have committed these violations and received a sentence of thirty
5 days and a suspended fine.

6 9. In May 2012, an administrative hearing was held to determine Martin's
7 suitability to continue active service. At this hearing, it was decided for Martin to be
8 discharged for Other Than Honorable Conditions. On June 15, 2012, Martin was
9 formally discharged from the U.S. Army.

10 10. On Friday, September 21, 2012, at 09:54 AM, this email was sent from
11 Micheal Martin using email address mikemartin80@gmail.com to M.W.S., Chief of
12 Military Police Investigations, Provost Marshal Office: "Mike, Hey there Mike, so as
13 you know I came in a couple weeks ago and submitted my statement to one of your
14 officers. He told me he'd get back to me within a week and let me know if the JAG was
15 actually going to do anything about this or not. It's been 2 weeks now, so I was just
16 wanting to see what's going on with this whole issue right now. Please let me know
17 what's up. Thanks Michael E. Martin United States Army." Attached to this Martin's
18 email to M.W.S. was a Word document entitled, "Cruelty, Maltreatment & Toxicity."

19 11. I have reviewed the "Cruelty, Maltreatment & Toxicity" document sent by
20 Martin to M.W.S. This is a lengthy document detailing Martin's anger towards his ex-
21 girlfriend, A.E.P. and several other members of the U.S. Army. Much of the document
22 provides a detailed history of a volatile relationship with A.E.P. and the "lies" that he
23 claims A.E.P. made against him which contributed and lead to his discharge from the
24 Army. The document contains numerous inflammatory statements about A.E.P. as well as
25 other military staff, and Martin's belief that they conspired to have him discharged from
26 the Army. Some of the claims made by Martin in the "Cruelty & Maltreatment"
27 document are as follows:

1 a. There are “numerous efforts to cover up and hide these wrongdoings
 2 from the CID and JAG . . . so that nobody will find out the real truth, and so that I would
 3 ultimately take the fall for everybody. These crimes include (but are not limited to) SPC
 4 [A.E.P.’s] harassment, stalking-death threats, sexual assault, assault, assault with a
 5 weapon, lying to Thurston County police, committing perjury in both civilian and military
 6 courts martial against me, false official statements made via written sworn statements
 7 (submitted to my unit Nov 2011 by SPC [A.E.P.], making false official statements at my
 8 Administrative Separation Board, gross dereliction of duty and cruelty and maltreatment
 9 (from CPT [M.T.F.], CPT [B.B.], [and others]). I have substantial evidence, pictures, text
 10 messages, written official documents & hours of audio recordings from my attorney (Cpt
 11 Ryan A. Sweet - JBLM TDS Office) to back up these accusations and prove that what I’m
 12 saying is true. On 15 June 2012, I received [sic] an Other than Honorable Discharge
 13 because of the crimes, false statements, and perjury committed against me by SPC
 14 [A.E.P.] & CPT [M.T.F.]. SPC [A.E.P.] has lied about me repeatedly, even in military
 15 court, and I do not think that my entire future and livelihood should be decided by the
 16 testimony of those who have broken the law and regulation against me, especially since
 17 one of them (SPC [A.E.P.] sexually assaulted me and threatened to kill me via text
 18 message shortly after I shot down her sexual advances. I am writing this document to ask
 19 that you hold every one of these soldiers accountable for their actions and crimes against
 20 me because so far both my unit and SPC [A.E.P.’s] unit have kept everything hidden from
 21 the CID and not a single one of them have been held accountable for their disgusting
 22 violations of the UCMJ against me.”

23 b. “To this day SPC [A.E.P.] has not paid for a single one of her UCMJ
 24 violations against me, while my life & career has been COMPLETELY destroyed. I
 25 cannot draw unemployment, can’t get a job, nobody will hire me because of the OTH
 26 discharge stemming from her lies so my 13 years of service I cannot even claim to any
 27 employer, I had to drop out of college, my car insurance dropped me because of the
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1 discharge, I cannot afford registration or insurance of any kind because of the financial
 2 devastation the demotions from SPC to PVT (because of SPC [A.E.P.'s] lies) has caused
 3 me, I lost my internet, NO veteran's organizations will help me - not even the VA
 4 Veteran's Homeless Prevention Program - they are perfectly ok with seeing me go
 5 homeless because of the lies SPC [A.E.P.] told about me that led to the OTH dischare. I
 6 can't get any medical or dental care because of the discharge, I'm now on probation for 2
 7 years because of the lies she told the Thurston County authorities & can't even go home to
 8 see my elderly and disabled mother whose in bad health and desperately needs my help, I
 9 can't transfer to USC anymore because of her lies, I can't possess a firearm which means I
 10 can't even use my 13 years of military experience to land a job with the hundreds of
 11 security firms worldwide who look for veterans like me. I now have to attend a full year
 12 of domestic violence "treatment" ordered from the Thurston County Court despite the fact
 13 that I was the VICTIM of her violent assault and assault with a weapon and the fact that
 14 I've never EVER touched a woman in my entire life, and there is absolutely no evidence
 15 whatsoever to support that I've ever assaulted anybody, man or woman, except for SPC
 16 [A.E.P.'s] words. THIS IS COMPLETELY MESSED UP!!! I'M THE VICTIM HERE,
 17 NOT HER!! SHE NEEDS THE DOMESTIC VIOLENCE TREATMENT - NOT ME!! I
 18 can't even afford to pay for that treatment or my car registration/insurance, which means
 19 I'm in danger of being arrested and thrown in jail for violation of probation just because I
 20 can't afford to pay for the "treatment" . . . It's only fair, and they shouldn't be able to go on
 21 living their lives like nothing happened, while I've lost EVERYTHING I worked my
 22 entire adult life the last 13 years for."

23 c. "I was wrongfully taken away from my wife and family because of
 24 the UCMJ violations committed against me by these two "officers." It is for this reason
 25 that I ask a full-length investigation be conducted into CPT Brimhall and CPT [M.T.F.]"s
 26 conduct over the past year, because I'm definitely not the only soldier CPT [M.T.F.]
 27 screwed, not by a long shot. The unit's Chaplain, Chaplain Jerry Squires, has received

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1 numerous complaints from several soldiers about CPT [M.T.F.]'s "leadership" over the
 2 past year.. CPT [M.T.F.]'s actions and willingness to compromise his own Integrity to
 3 protect SPC [A.E.P.] and put me in jail shows that he doesn't deserve to be an officer,
 4 leader, or soldier at all. His actions are also an embarrassment to the Officer Corps and
 5 not in keeping with the even the minimum standards of the Army. This is an offense that
 6 he should be relieved and decommissioned for, and other commanders and leaders have
 7 been relieved for. We are now a "cream of the crop" Army and CPT [M.T.F.] is definitely
 8 not cream of the crop material. He is a weak man and a liar who's willing to abuse his
 9 power as a commander to go way out of his way to screw soldiers he doesn't like, and
 10 protect the ones he does. Many soldiers and NCO's in HHT 4/6 ARS share the same
 11 sentiment and are quite happy to see CPT [M.T.F.] gone CPT Troy Hokanson, his
 12 replacement, has proven himself to be a real commander who can make his own decisions
 13 and also punish and reward fairly and impartially. I thank god everyday that I never had to
 14 deploy to combat with CPT [M.T.F.] because surely, I would've been coming home to
 15 mom in a flag-covered casket."

16 12. I have also obtained other information about Martin's harassment of SPC
 17 A.E.P. In an email sent by Martin on September 20, 2011, at 5:01 p.m., utilizing email
 18 account name, evilmickey2001@yahoo.com to an email address for SPC A.E.P., the
 19 subject line was: "U lying sack of shit!!!". The text of the mail read: "u think this is over
 20 bitch? oh it SOOOOOO is not over!! BAD THINGS HAPPEN TO LIARS!!! See u in
 21 court in a couple weeks u lying cunt, and this time the judge will actually ask u to provide
 22 evidence for all those lies that u told in court today, I'll be looking forward to that one u
 23 pathetic sack of shit. U have no idea how dad u fucked up today, ur life is gonna get so
 24 much worse.. I was gonna leave ur baby daddy and unit out of it, but not anymore, this is
 25 FAR FROM OVER. Just one word -- APPEAL! -- it's going to happen and the
 26 attorneys r gonna eat u alive, not just eat up all ur lies and believe them! That judge is
 27 fucking incompetent and that ruling is going to get overturned. I can't believe u did this

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1 to me when I didn't do shit to u!! u fucking ruined my life, now I got a BULLSHIT
 2 fucking restraining order on my record? Well guess what, YOU WILL TOO BITCH!!
 3 god u have no fucking idea how mad I am at u, I cannot believe u would do this to me just
 4 cuz I didn't pay ur rent for u, u fucking worthless penniless stripper!! PAY UR OWN
 5 FUCKING BILLS AND STOP MESSING WITH PPLS LIVES!!! YOU MESS WITH
 6 MY FUCKING LIFE?? GUESS WHAT, IM MESSING WITH URS RIGHT BACK!!!!
 7 THIS IS GOING STRAIGHT BACK TO FUCKING THRUSTON COUNTY
 8 SUPERIOR COURT AND A REAL FUCKING JUDGE WITH SOME REAL
 9 FUCKING ATTORNEYS ARE GOING TO SORT THIS THING OUT AND
 10 DISSSECT YOUR BULLSHIT FUCKIGN LIES!!! I HAVE EVIDENCE TO SUPPORT
 11 MY CASE, UDONT HAVE SHIT TO SUPPORT UR LIES!!! UR LUCKY THE
 12 JUDGE DIDN'T ASK U ABOUT THEM, THAT'S OK... I'M TAKING THIS A STEP
 13 FURTHER, TO A JUDGE AND ATTORNEYS WHO ARE GOING TO FUCK YOUR
 14 WORLD UP!!! SMILE FOR ME WHEN U GET THIS, BECAUSE I'M LETTING U
 15 KNOW RIGHT NOW, I'M TAKING THIS SHIT TO THE VERY END... AND THERE
 16 IS NO WAY I'M LOSING. I'M GOING TO WIN THIS.. BECAUSE I'M A GOOD
 17 PERSON, YOU'RE A HORRIBLE LIAR AND I HAVE SO MUCH EVIDENCE
 18 AGAINST YOU IT'S NOT EVEN FUNNY. See u superior court... oh wait, that's not
 19 the only court, there are two courts that i'm going to see you in."

20 13. I have obtained a copy of a Military Police Report, 02797-2012-MPC016,
 21 dated June 11, 2012, filed at 2:00 a.m. This report stated that Martin was being escorted
 22 by an NCO and jumped out of the moving car. Martin then fled in his personal vehicle to
 23 an unknown location. Subsequently Martin posted suicide ideations on his Facebook
 24 page. Local police were requested to conduct a welfare check at his residence but he was
 25 not there.

26 14. I have reviewed a criminal history report for Michael E. Martin and
 27 confirmed that there is an active restraining order prohibiting Martin from assaulting,

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1 threatening, abusing, harassing, following, interfering, or stalking SPC A.E.P., as well as
2 prohibited from having any contact with her.

3 15. On September 21, 2012, at 11:07 a.m., Provost Marshal Office, Chief
4 M.W.S. sent the following email to Micheal E. Martin at mikemartin80@gmail.com.

5 "Michael, One of our investigator's just returned from meeting with CPT
6 [C.D.E] (SJA). Who after reviewing the entire complaint opined there was
7 no evidence to substantiate that a criminal act was committed on the
8 installation and therefore, any potential communication of a threat, would
9 be the purview of the jurisdiction in which it occurred. He related that the
10 installation (SJA) was well aware of the allegations and have looked into
11 the matter and consulted the chain of command. Sir, at his point there is
12 nothing we can do to further the process and would suggest you coordinate
13 with Thurston County if you wish to pursue criminal charges against your
14 former girlfriend. Thanks for your patience, Mike"

15 16. On September 21, 2012, at 9:30 p.m., Martin sent the following email reply
16 from mikemartin80@gmail.com to Chief M.W.S.:

17 "I have just one question about that, how come the SJA saw fit to pursue
18 charges against me for "communicating a threat" to SPC [A.E.P.] by
19 sending her an email telling her I was taking her to court - even though we
20 were both off post, but won't pursue charges against her for FUCKING
21 THREATENING TO KILL ME. u tell that mutherfucker if he doesn't
22 pursue charges against her for threatening to kill me then i'm going to
23 fucking murder her, murder him, and murder everyone else who fucking
24 destroyed my life, my career, and too away my ability to take care of my
25 elderly disabled mother with bullshit charges that were illegal and unlawful
26 and unjust. if they can pursue charges against me and convict me for
27 "threatening" to take her to court for committing purjury against me when we
28 were both offpost when i sent that email then they can absolutely pursue
29 charges against her for fucking threatening to kill me!!! i'm not fucking
30 playing with you fucking idiots anymore. if anybody dies out of this then
31 the blood is on the JAG'S HANDS NOT MINE. IF THEY DON'T
32 PURSUE CHARGES AGAINST HER LIKE THEY UNLAWFULLY DID
33 ME THEN SOLDIERS ARE GOING TO FUCKING DIE!!!

34 Sent from my SICK iPhone 4S ;-)"

35 17. CPT C.D.E. is a Staff Advocate Judge Prosecutor. I have learned that CPT
36 C.D.E. reviewed the allegations made by Michael E. Martin concerning his ex-girlfriend
37 as well as other military personnel and subsequent investigation by JAG investigators,
38 and based on this information, CPT C.D.E. made a decision not to seek any charges

1 || against SPC A.E.P. This role by CPT C.D.E. falls squarely within his official duties as a
2 || SAJ Prosecutor, as well as his decision to decline charges.

3 18. With his military training, I believe that Michael E. Martin has access to
4 firearms and other devices capable of causing physical harm and death to other person,
5 including CPT C.E.D.. I believe that Martin poses a serious and real threat to the safety
6 of CPT C.E.D. and other military personnel with whom Martin has expressed anger and
7 resentment, and a desire to harm in retaliation for their official findings and decisions in
8 declining to file charges against SPC A.E.P.

9 19. Based on the foregoing, I submit that there is probable cause to believe that
10 MICHAEL E. MARTIN has committed the crime of Threats to Kill a Federal Law
11 Enforcement Officer in violation of Title 18, United States Code, Section 115(a)(1)(B).


GARY W. FRANCE, Complainant
Special Agent
Federal Bureau of Investigation

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offense set forth in the Complaint.

19 Dated this 26th day of September, 2012.


J. RICHARD CREATURA
UNITED STATES MAGISTRATE JUDGE